

**KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT**

**BUREAU OF WATER**



**KANSAS WATER POLLUTION CONTROL**

**AND**

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

**STORMWATER RUNOFF FROM INDUSTRIAL ACTIVITY**

**GENERAL PERMIT**

**APPENDIX 1**

**DEFINITIONS & ACRONYMS**

## DEFINITIONS AND ACRONYMS

These definitions pertain to the Kansas Water Pollution Control General Permit and Authorization to Discharge **STORMWATER RUNOFF FROM INDUSTRIAL ACTIVITY** under the National Pollutant Discharge Elimination System. Persons subject to the general NPDES permit for Stormwater Runoff From Industrial Activity should make themselves familiar with this list of definitions.

"Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other administrative and management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Bypass" means any diversion around BMPs of contaminated stormwater runoff.

"Construction Activity" means activities including clearing, grading and excavating which result in the disturbance of one or more acres of total land area. See the General Permit for Stormwater Runoff from Construction Activities for more information.

"Critical Water Quality Management Area" means a watershed, or a portion of a watershed, in which application of minimum state or national wastewater and water quality management practices and procedures cannot be reasonably expected to result in attainment of water quality goals, attainment of water quality standards, protection of resources of the state, prevention of excessive sediment deposition in stream beds, lakes or reservoirs, or prevention of destruction of fishery habitat; or an area in which additional treatment and control of pollutants can result in additional cost effective benefits.

"CWA" means the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., as amended on February 4, 1987.

"Department" means the Kansas Department of Health and Environment.

"Drainage Area/System" means the outline of drainage areas for each stormwater outfall and the pattern/direction of drainage through the drainage areas for the locations of industrial activity and significant materials exposed to precipitation, including surface water bodies and existing structural control measures to control flow and/or reduce pollutants in stormwater runoff (such as bermed areas, grassy swales, etc.) for all drainage at the facility.

"Director" means the Director of the Division of Environment, of the Kansas Department of Health and Environment.

"Discharge Monitoring Requirement" means a requirement to observe or evaluate a discharge and note the conditions observed.

"Duly Authorized Representative" means somebody who speaks, acts or votes on behalf of others. For the purposes of this stormwater general permit, the duly authorized representative either 1) has operational control over the facility; or 2) has the day-to-day operational control of those activities at the facility necessary to ensure compliance.

"Effluent Limitation" means any restriction established by the Director on quantities, rates, and concentrations of chemical, physical, biological and other constituents which are discharged from point sources, other than new sources, into navigable waters, the waters of the contiguous zone or the ocean.

"Effluent Limitations Guidelines" means any effluent limitations guidelines issued by the Director pursuant to section 304(b) of the Federal Water Pollution Control Act.

"EPA" means the U.S. Environmental Protection Agency.

"Exceptional State Waters" means any of the surface waters or surface water segments that are of remarkable quality or of significant recreational or ecological value, are listed in the surface water register, as defined in K.A.R. 28-16-28b(ddd), and are afforded the level of water quality protection under the antidegradation provisions of K.A.R. 28-16-28c(a) and the mixing zone provisions of K.A.R. 28-16-28c(b).

"Hazardous Substance" means elements and compounds designated as a hazardous substance pursuant to Section 311(b)(2)(A) of the CWA at 40 CFR 116.4.

"KDHE" means the Kansas Department of Health and Environment.

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"Indian Lands" means (1) All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running throughout the reservation;

(2) All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of the State; and (3) All Indian allotments, the Indian titles to which have not been extinguished, including rights of way running through the same.

"Landfill" means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well or waste pile.

"Municipal Separate Storm Sewer System" ("MS4") means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are owned or operated by a state, city, town, borough, county, parish, district association, or other public body which is designed or used for collecting or conveying stormwater.

"National Pollutant Discharge Elimination System" ("NPDES") means the national system for the issuance of permits under 42 U.S.C. Section 1342 and includes any state or interstate program which has been approved by the administrator, in whole or in part, pursuant to 42 U.S.C. Section 1342.

"New Source" means any building, structure, facility or installation from which there is or may be the discharge of pollutants, the construction of which is commenced after the publication of proposed regulations prescribing a standard of performance under Section 306 of the Federal Water Pollution Control Act which will be applicable to such source if such standard is thereafter promulgated in accordance with Section 306 of the Federal Water Pollution Control Act.

"No Exposure Certification form" "NOEC" means the form which is used to apply for exclusion from the requirement of obtaining a permit for stormwater runoff associated with industrial activity. [A copy of the NOEC form is provided as part of the general permit.].

"Notice of Intent form" "NOI" means the form which is to be used to apply for authorization to discharge under this general permit [A copy of the NOI form is provided as part of the general permit.].

"Notice of Termination form" "NOT" means the form which is to be completed by the permittee once the project is completed. [A copy of the NOT form is provided as part of the general permit.].

"Notice of Transfer of Ownership form" "NOTO" means the form which is to be completed by the permittee and the new site owner or operator when sale of the entire permitted tract occurs.

"Owner(s) or operator(s)" means the party or parties that either individually or taken together meet the following three criteria: 1) they own the facility; 2) they have operational control over the facility; 3) they have the day-to-day operational control of those activities at the facility necessary to ensure compliance.

"Outstanding National Resource Water" means any of the surface waters or surface water segments of extraordinary recreational or ecological significance identified in the surface water register, as defined in K.A.R. 28-16-28b(ddd), and afforded the highest level of water quality protection under the antidegradation provisions of K.A.R. 28-16-28c(a) and the mixing zone provisions of K.A.R. 28-16-28c(b).

"Permit" means an authorization, license, or equivalent control document issued by the Director to implement the provisions of K.A.R. 28-16-150 through 28-16-154, inclusive and any amendments to those regulations. Permit includes a 'general permit' (K.A.R. 28-16-150). Permit does not include any document which has not yet been subject to final agency action, such as a "draft permit" or "proposed permit."

"Permittee" means the individual, company, corporation, institution, municipality, township, county, federal agency, owner, operator, or legally constituted sewer district which is authorized by a Kansas Water Pollution Control permit to discharge to the waters of the State and which has operational control of the permitted discharge by specifying activities at the facility.

"Point Source" means any discernible, confined, and discrete conveyance, including, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or floating craft from which pollutants are or may be discharged. This term may include structures or site conditions that act to collect and convey stormwater runoff from roadways, urban areas, or industrial sites. This term shall not include agriculture stormwater discharges or return flows from irrigated agricultural land.

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"Severe Property Damage" means substantial physical damage to property or substantial and permanent loss of natural resources.

"Significant materials" includes, but is not limited to: raw materials, fuels, materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to EPCRA Section 313; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

"Significant spills" includes, but is not limited to: releases of oils or hazardous substances in excess of reportable quantities under section 311 of the Clean Water Act (see 40 CFR 110.10 and CFR 117.21) or Section 102 of CERCLA (see 40 CFR 302.4);

"Standard Industrial Classification" (SIC) means the economic activity classification system established by the Executive Office of the President, Office of Management and Budget which classifies each business by its primary business activity. Each type of business activity is assigned a unique number. Every business which has as its primary activity an activity assigned an SIC number, is classified by its corresponding SIC number. The most current Standard Industrial Classification System was published in 1987. The SIC Codes can be determined by searching the following website: <http://www.osha.gov/pls/imis/sicsearch.html>.

"Stormwater" means stormwater runoff induced by atmospheric precipitation, including snowmelt runoff, and surface runoff and drainage.

"Stormwater Runoff from Industrial Activities" means the discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the Kansas Water Pollution Control program.

For the categories of industries identified in this definition, the term includes, but is not limited to, stormwater discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process wastewaters (as defined at 40 CFR 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials; and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater.

For the purposes of this paragraph, material handling activities include storage, loading and unloading, transportation or conveyance of any raw material, intermediate product, final product, by-product or waste product. The term excludes areas located on the plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded area is not mixed with stormwater drained from the above described areas.

Industrial facilities (including industrial facilities which are Federally, State or municipally owned or operated and meet the description of the facilities listed in this paragraph (i)-(xi) of this definition) include those facilities designated under 40 CFR 122.26(a)(1)(v).

The following categories of facilities are considered to be engaging in "industrial activity" for the purposes of this general permit/definition:

Category (i) - Facilities subject to storm water effluent limitations guideline, new source performance standards, or toxic pollutant effluent standards under 40 CFR subchapter N;

Limits and/or standards for this category are subject to change and new limits and standards may be adopted. To verify applicability, see 40 CFR subchapter N.

### Stormwater Effluent Guidelines

For a discharge to be covered under stormwater effluent guidelines, the facility must have a stormwater discharge subject to stormwater effluent guidelines. At the time of permit issuance, facilities that have stormwater effluent limitations guidelines for at least one of their subcategories include the following:

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### 40 CFR Subchapter N

Part 411 Cement manufacturing  
Part 412 Concentrated Animal Feeding Operations (CAFOs)

Part 418 Fertilizer manufacturing  
Part 419 Petroleum refining  
Part 420 Iron & steel manufacturing  
Part 422 Phosphate manufacturing  
Part 423 Steam electric power generating  
Part 434 Coal mining  
Part 436 Mineral mining & processing  
Part 440 Ore mining & dressing  
Part 442 Transportation equipment cleaning  
Part 443 Paving and roofing materials  
Part 445 Landfills

A facility that falls into one of these Parts should examine the effluent guideline to determine if it is categorized in one of the subcategories that have stormwater effluent guidelines. If a facility is classified in one of those subcategories, that facility is subject to the standards listed in the CFR for that category, and as such is required to submit an NOI for any stormwater discharge subject to the stormwater effluent guideline.

### Toxic Pollutant Effluent Standards

Facilities subject to toxic pollutant effluent standards refers to the standards established pursuant to CWA section 307(a)(2) and codified at 40 CFR Part 129. Part 129 applies only to manufacturers of six pesticide products which are defined as toxic pollutants. Manufacturers of the following pesticides are subject to regulation under these provisions:

(a) Aldrin/Dieldrin, (b) DDT, (c) Endrin, (d) Toxaphen (e) Benzidine, and (f) Polychlorinated Biphenyls (PCBs).

(a) Aldrin/Dieldrin—*Aldrin* means the compound aldrin as identified by the chemical name, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-1,4-endo-5,8-exo-dimethanonaphthalene; “Dieldrin” means the compound the dieldrin as identified by the chemical name 1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-1,4-endo-5,8-exo-dimethanonaphthalene.

(b) DDT—*DDT* means the compounds DDT, DDD, and DDE as identified by the chemical names: (DDT)-1,1,1-trichloro-2,2-bis(p-chlorophenyl) ethane and some o,p 'isomers; (DDD) or (TDE)-1,1-dichloro-2,2-bis(p-chlorophenyl) ethane and some o,p 'isomers; (DDE)-1,1-dichloro-2,2-bis(p-chlorophenyl) ethylene.

(c) Endrin—*Endrin* means the compound endrin as identified by the chemical name 1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-1,4-endo-5,8-endodimethanonaphthalene.

(d) Toxaphene—*Toxaphene* means a material consisting of technical grade chlorinated camphene having the approximate formula of C<sub>10</sub> H<sub>10</sub> Cl<sub>8</sub> and normally containing 67—69 percent chlorine by weight.

(e) Benzidine—*Benzidine* means the compound benzidine and its salts as identified by the chemical name 4,4'-diaminobiphenyl.

(f) Polychlorinated Biphenyls (PCBs) *polychlorinated biphenyls* (PCBs) means a mixture of compounds composed of the biphenyl molecule which has been chlorinated to varying degrees.

Please note that the phrase “facilities subject to toxic pollutant effluent standards” does not refer to those industries subject to effluent limitation guidelines for toxics under 40 CFR sub-chapter N.

### New Source Performance Standards (NSPS)

For a stormwater discharge associated with industrial activity to be covered under NSPS, the facility must have an activity subject to the NSPS. The new source varies based on the publication date of a particular effluent guideline. Most effluent guidelines listed in 40 CFR Subchapter N contain NSPS.

The following categories of 40 CFR Subchapter N **do not have** new source performance standards. All other categories have at least one subcategory with new source performance standards.

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Part 454 Gum and wood chemicals manufacturing

Part 459 Photographic

Part 460 Hospital

Category (ii) - Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373;

Category (iii) - Facilities classified as SIC codes 10-14 including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11(1) because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or areas of non-coal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990), and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/ operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim).

A facility with an existing or new discharge composed entirely of stormwater from oil or gas exploration, production, processing, or treatment operations or transmission facility is not required to submit a request for authorization under this general permit unless the facility:

(A) Has a discharge of stormwater composed entirely of flows which are from conveyances or systems of conveyances (including but not limited to pipes, conduits, ditches, and channels) used for collecting and conveying collection runoff and which are contaminated by contact with, or come into contact with, any overburden, raw material, intermediate products, finished products, byproducts, or waste products on the site of such operations; or

(B) Has had a discharge of stormwater resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 110.6, 40 CFR 117.21 or 40 CFR 302.6 at anytime since November 16, 1987; or

(C) Causes or contributes to a violation of a water quality standard.

Category (iv) - Hazardous Waste Hazardous waste treatment, storage, or disposal facilities including those that are operating under interim status or a permit under Subtitle C of RCRA.

Category (v) - Landfills, land application sites, and open dumps that receive or have received any industrial waste (waste that is received from any of the facilities described under categories (i) - (xi)) including those that are subject to regulations under Subtitle D of RCRA.

Category (vi) - Recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as SIC 5015 (used motor vehicle parts) and SIC 5093 (scrap and waste materials).

Category (vii) - Steam electric power generating facilities, facilities, including coal handling sites.

Category (viii) - Transportation facilities classified by the SIC codes 40, 41, 42 (except 4221-4225), 43, 44, 45, and 5171 listed below which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under categories (i)-(vii) or (ix)-(xi) of this definition are associated with industrial activity, and need permit coverage. Based on a potential for being a significant contributor of pollutants, KDHE has determined Aerial Spray Operations at Airports are subject to coverage for stormwater runoff associated with industrial activity.

Category (ix) - Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the Clean Water Act.

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Category (x) - Construction activity is not covered under this permit. The construction "operator" of both large and small construction activities must apply for coverage under an individual permit or the General Stormwater Permit for Construction Activity requirements.

Category (xi) - Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, and 4221-25.

"Surface water" means all of the following:

- (1) streams, including rivers, creeks, brooks, sloughs, draws, arroyos, canals, springs, seeps and cavern streams, and any alluvial aquifers associated with these surface waters;
- (2) lakes, including oxbow lakes and other natural lakes and man-made reservoirs, lakes and ponds; and
- (3) wetlands, including water bodies meeting the technical definition for jurisdictional wetlands given in the "corps of Engineers wetlands delineation manual," as published in January 1987.

"Surface Waters of the State" means all surface waters occurring within the borders of the state of Kansas or forming a part of the border between Kansas and one of the adjoining states.

"Toxic Pollutant Effluent Standards" means the standards established pursuant to CWA section 307(a)(2) and codified at 40 CFR Part 129. Part 129 applies only to manufacturers of six specific pesticide products which are defined as toxic pollutants. Please note that the phrase "facilities subject to toxic pollutant effluent standards" does not refer to those industries subject to effluent limitation guidelines for toxics under 40 CFR sub-chapter N.

"Waste pile" means any non-containerized accumulation of solid, non-flowing waste that is used for treatment or storage.

### List of Acronyms

BMPs - Best Management Practices

CERCLA - Comprehensive Environmental Response, Compensation and Liability Act

CFR - Code of Federal Regulations

CWA - Clean Water Act

CWQMA - Critical Water Quality Management Area

EPA - Environmental Protection Agency

ESW - Exceptional State Water

K.A.R. - Kansas Administrative Regulations

KDHE - Kansas Department of Health and Environment

KDOT - Kansas Department of Transportation

KDWP - Kansas Department of Wildlife and Parks

K.S.A. - Kansas Statutes Annotated

MS4 - Municipal Separate Storm Sewer System

NOEC - No Exposure Certification

NOI - Notice of Intent

NOT - Notice of Termination

NOTO - Notice of Transfer of Ownership

NPDES - National Pollutant Discharge Elimination System

NTIS - National Technical Information Service

ONRW - Outstanding National Resource Water

RCRA - Resource Conservation and Recovery Act

SALU - Special Aquatic Life Use

#### **DEFINITIONS AND ACRONYMS**

SHPO - State Historic Preservation Officer

SMCRA - Surface Mining Control and Reclamation Act

SPCC – Spill Prevention Control and Countermeasures

SWP2 Plan - Stormwater Pollution Prevention Plan

U.S.C. - United States Code